

House Study Bill 207 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON SCHULTZ)

A BILL FOR

1 An Act allowing counties and cities to adopt alternate fee
2 schedules for the provision of certain services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.301, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 17. The board of supervisors may by
4 ordinance adopt an alternate county fee schedule pursuant to
5 section 331.310.

6 Sec. 2. NEW SECTION. 331.310 **Alternate county fee**
7 **structure.**

8 1. Notwithstanding any other provision of the Code to the
9 contrary, the board of supervisors may adopt an ordinance
10 establishing an alternate county fee schedule. An alternate
11 county fee schedule adopted pursuant to this section shall
12 apply to all fees authorized to be collected by the county
13 or by any officer of the county for providing a service,
14 except that an alternate county fee schedule shall not include
15 building permit fees or fees collected by the county when
16 acting as an agent of the state for which the state provides a
17 service or incurs a cost.

18 2. An alternate county fee schedule shall be established
19 based upon the actual cost to the county for providing a
20 service for which a fee is charged. The county shall calculate
21 actual costs by determining the average expenses necessary to
22 provide the individual service over the previous two years for
23 which the fee was charged. The amount of any new fee imposed
24 by a county shall be set based upon a best estimate of the
25 average expenses necessary to provide the individual service
26 based upon fees charged by the county or other counties of the
27 state for the provision of similar services. "*Actual cost*"
28 means only those expenses directly attributable to the purpose
29 for which the fee is collected. "*Actual cost*" shall not include
30 costs such as employment benefits, depreciation, maintenance,
31 utilities, or insurance associated with county operations.

32 3. a. Prior to adopting an ordinance pursuant to this
33 section, the board of supervisors shall publish notice as
34 provided in this subsection. The proposed ordinance shall,
35 upon first reading, be placed on file with the county auditor

1 for public inspection, and, upon second reading, if and
2 as amended, shall be published in a newspaper of general
3 circulation, together with the time and place for a public
4 hearing on the proposed ordinance. The hearing shall be held
5 not less than ten days prior to the board meeting at which the
6 ordinance shall be placed upon its passage.

7 *b.* The notice shall include information on the actual cost
8 of providing each service for which a fee is charged and on
9 the proposed amount of each fee under the alternate county fee
10 schedule.

11 4. *a.* A county that has adopted an alternate county fee
12 schedule may review the fee schedule annually, but shall review
13 the fee schedule at least once every two years, to review
14 actual costs associated with each fee on the schedule or to add
15 fees authorized by law to the fee schedule.

16 *b.* Following a review conducted pursuant to paragraph "a",
17 the board of supervisors shall, if determined necessary, amend
18 the ordinance to update the alternate county fee schedule
19 pursuant to subsections 2 and 3.

20 Sec. 3. Section 364.2, Code 2013, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 6. The city council may by ordinance adopt
23 an alternate city fee schedule pursuant to section 364.2A.

24 Sec. 4. NEW SECTION. **364.2A Alternate city fee structure.**

25 1. Notwithstanding any other provision of the Code to the
26 contrary, the city council may adopt an ordinance establishing
27 an alternate city fee schedule. An alternate city fee schedule
28 adopted pursuant to this section shall apply to all fees
29 authorized to be collected by the city or by any officer of the
30 city for providing a service, except that an alternate city
31 fee schedule shall not include building permit fees or fees
32 collected by the city when acting as an agent of the state for
33 which the state provides a service or incurs a cost.

34 2. An alternate city fee schedule shall be established
35 based upon the actual cost to the city for providing a service

1 for which a fee is charged. The city shall calculate actual
2 costs by determining the average expenses necessary to provide
3 the individual service over the previous two years for which
4 the fee was charged. The amount of any new fee imposed by a
5 city shall be set based upon a best estimate of the average
6 expenses necessary to provide the individual service based upon
7 fees charged by the city or other cities of the state for the
8 provision of similar services. "Actual cost" means only those
9 expenses directly attributable to the purpose for which the fee
10 is collected. "Actual cost" shall not include costs such as
11 employment benefits, depreciation, maintenance, utilities, or
12 insurance associated with city operations.

13 3. a. Prior to adopting an ordinance pursuant to this
14 section, the city council shall publish notice as provided
15 in this subsection. The proposed ordinance shall, upon
16 first reading, be placed on file with the clerk for public
17 inspection, and, upon second reading, if and as amended, shall
18 be published in a newspaper of general circulation, together
19 with the time and place for a public hearing on the proposed
20 ordinance. The hearing shall be held not less than ten days
21 prior to the council meeting at which the ordinance shall be
22 placed upon its passage.

23 b. The notice shall include information on the actual cost
24 of providing each service for which a fee is charged and on
25 the proposed amount of each fee under the alternate city fee
26 schedule.

27 4. a. A city that has adopted an alternate city fee
28 schedule may review the fee schedule annually, but shall review
29 the fee schedule at least once every two years, to review
30 actual costs associated with each fee on the schedule or to add
31 fees authorized by law to the fee schedule.

32 b. Following a review conducted pursuant to paragraph "a",
33 the city council shall, if determined necessary, amend the
34 ordinance to update the alternate city fee schedule pursuant
35 to subsections 2 and 3.

EXPLANATION

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2 This bill allows counties and cities to adopt alternate fee
3 schedules for the provision of certain services.

4 The bill provides that a board of supervisors may adopt an
5 ordinance to establish an alternate county fee schedule for all
6 fees collected by a county for services, other than building
7 permit fees and fees collected on behalf of the state. Each
8 fee shall be calculated based upon the actual cost of providing
9 the particular service for which the fee is charged. The bill
10 requires that a county fulfill certain notice requirements,
11 including publication of information regarding the actual cost
12 of each service and the proposed amount of each fee, in the
13 adoption of such an ordinance.

14 The bill further provides that a city council may adopt
15 an ordinance to establish an alternate city fee schedule for
16 all fees collected by a city for services other than building
17 permit fees and fees collected on behalf of the state. Each
18 fee shall be calculated based upon the actual cost of providing
19 the particular service for which the fee is based. The bill
20 requires that a city fulfill certain notice requirements,
21 including publication of information regarding the actual cost
22 of each service and the proposed amount of each fee, in the
23 adoption of such an ordinance.

24 A city or county that has adopted an alternate county fee
25 schedule is required to review the fee schedule at least
26 once every two years to review actual costs associated with
27 each fee, but the city or county may review the fee schedule
28 each year. Following a review, the city council or board
29 of supervisors shall amend the ordinance to update the fee
30 schedule and may add fees authorized by law.

31 The bill defines "actual cost" to mean only those expenses
32 directly attributable to the purpose for which the fee is
33 collected and shall not include costs such as employment
34 benefits, depreciation, maintenance, utilities, or insurance
35 associated with operations of the city or county, as

H.F. _____

1 applicable.